



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Holmquist et al.

Serial No.:

09/871,351

Filed:

May 31, 2001

For:

**Systems and Methods for Providing
Communication Between an ATM Layer
Device and Multiple Multi-Channel
Physical Layer Devices**

Group Art Unit:

2667

Examiner:

Christopher P. Grey

Docket No.:

061607-1600

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to vouch the record and to ensure proper interpretation of the claims and history.

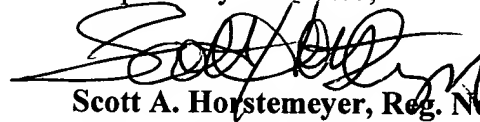
First, while Applicant agrees with the Examiner that the stated reasons for allowance of claims **108, 19-25, 33-46, 61-90, renumbered 1-59** are indeed proper grounds for allowance of these claims, there are other additional reasons why these claims are allowable over the prior art of record, and Applicant does not admit that the stated reasons for allowance are the only reasons for allowance.

Second, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid

even though dependent upon an invalid claim.” Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Respectfully submitted,



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Date: 01/25/06

Docket: 061607-1600

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